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9
10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON

12 UNITED STATES OF AMERICA,
13 Plaintiff,
14 v.
15 LOUIS ONG,
16 Defendant.

Case No.: CR-17-191-RSL

**STIPULATED MOTION TO
CONTINUE TRIAL DATE AND
PRETRIAL MOTIONS DATE**

[Proposed Order Filed Concurrently]

1 The defendant, Louis Ong, by and through his attorney Brian Klein of Baker
2 Marquart LLP, and the United States of America, by and through Assistant United
3 States Attorney Joseph Silvio, respectfully request a continuance of the trial date to
4 April 9, 2018, and the pretrial motions deadline to March 2, 2018. This stipulation is
5 made for the following reasons:

6 On July 21, 2017, Mr. Ong was arrested on a complaint. (Dkt. Nos. 1-2.) He
7 made his initial appearance July 24, 2017, at which time he was detained pending a
8 detention hearing. (Dkt. No. 6.) On August 7, 2017, at a continued detention
9 hearing, Mr. Ong was placed on bond under the supervision of Pretrial Services and
10 with special conditions. (Dkt. No. 14.) Mr. Ong is in full compliance with his
11 Pretrial release conditions.

12 On August 16, 2017, the grand jury returned a six-count indictment, and Mr.
13 Ong was arraigned on August 24, 2017. (Dkt. Nos. 16 and 20.) Mr. Ong is charged
14 in Counts 1-5 with money laundering in violation of 18 U.S.C. § 1956 and in Count 6
15 with operating an unlicensed money transmission business in violation of 18 U.S.C.
16 § 1960.

17 Mr. Ong's trial is presently set for October 23, 2017, with pretrial motions due
18 September 14, 2017.

19 On September 21, 2017, the Court granted Mr. Ong's request for substitution
20 of counsel. To date, the government has produced over 1,700 pages of discovery, as
21 well as audio and video recordings. The government intends to produce additional
22 discovery in the near future, including voluminous data from at least one seized cell
23 phone. The case is complex because it involves Mr. Ong's alleged buying and selling
24 of bitcoins and therefore raises many novel legal and factual issues.

25 Given the ongoing production of discovery and the recent substitution of
26 counsel, the defense has not been able to conduct substantial investigation of this case
27 or explore potential legal or factual issues for purposes of pretrial motions, which
28

1 may be extensive. To provide effective assistance of counsel to Mr. Ong in
2 connection with the charges the defense needs to, among other things, review and
3 analyze the discovery productions so far, conduct legal research, investigate the
4 government's allegations, consider the retention of experts, and explore various
5 defenses to the charges. Given the nature of the charges, the status of the discovery,
6 and the recent substitution of counsel for Mr. Ong, defense counsel requires
7 additional time beyond the current trial date of October 23, 2017, to prepare for trial
8 and file pre-trial motions. Defense counsel has been diligent but, again, has only
9 recently been officially substituted in as counsel.

10 For these reasons, the parties request the Court find that:

11 (a) taking into account the exercise of due diligence, a failure to grant a
12 continuance would deny counsel for the defendant the reasonable time necessary for
13 effective preparation, due to counsel's need for more time to review the evidence,
14 consider possible defenses, and gather evidence material to the defense, as set forth in
15 18 U.S.C. § 3161(h)(7)(B)(iv);

16 (b) a failure to grant a continuance would likely result in a miscarriage of
17 justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i);

18 (c) the additional time requested is a reasonable period of delay, as the
19 defendant has requested more time to prepare for trial, to investigate the matter, to
20 gather evidence material to the defense, and to consider possible defenses;

21 (d) the case is sufficiently complex that it is unreasonable to expect adequate
22 preparation for pretrial proceedings or the trial itself within the current trial schedule,
23 as set forth in 18 U.S.C. § 3161(h)(7)(B)(ii);

24 (e) the ends of justice will best be served by a continuance, and the ends of
25 justice outweigh the best interests of the public and the defendant in any speedier
26 trial, as set forth in 18 U.S.C. § 3161(h)(7)(A); and
27
28

1 (f) the additional time requested between the current trial date of October 23,
2 2017, and the new trial date of April 9, 2018, is necessary to provide counsel for Mr.
3 Ong reasonable time to prepare for trial considering counsel's schedule and all of the
4 facts set forth above.

5 Mr. Ong has executed a speedy trial waiver through April 23, 2018, which is
6 attached as an exhibit to this stipulation.

7 Therefore, the parties respectfully request a continuance of the trial date to
8 April 9, 2018, and the pretrial motions deadline to March 2, 2018. The parties further
9 ask the Court to exclude the time period from the date of the Court's order to April
10 23, 2018, which is two weeks after the new trial date, for purposes of computing the
11 time limitations imposed by the Speedy Trial Act.

12 Respectfully submitted,

13 */s/ Brian E. Klein*

14 Brian E. Klein

15 Baker Marquart LLP

16 Attorney for Louis Ong

17 */s/ Joseph C. Silvio*

18 Assistant United States Attorney

19 *by email authorization*